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Paper No. 7

STMICROELECTRONICS, INC.  
Mail Station 2346  
1310 Electronics Drive  
Carrollton, TX 75006

In re Application of:  
William E. Ballachino  
Application No. 09/667,164  
Filed: September 21, 2000  
For: M-BIT RACE DELAY ADDER AND  
METHOD OF OPERATION

DECISION ON PETITION  
UNDER 37 CFR §1.181 TO  
WITHDRAW HOLDING OF  
ABANDONMENT

This is a decision on the petition filed 22 April 2004 under 37 CFR §1.181 to withdraw the holding of abandonment of the above-identified application.

This application was held abandoned for failure to respond in a timely manner to the Office Action mailed 07 July 2003 (paper no. 2). A Notice of Abandonment was mailed 11 February 2004 (paper no. 5).

In support of the petition, Petitioner provides a copy of (1) a postcard receipt (without a UPSTO date stamp); (2) an amendment; (3) a transmittal form with a certificate of mailing signed by William A. Munck and Kathy Hamilton (as the actual mailer), both signatures dated 07 October 2003, and indicating transmittal of an amendment and return postcard, and (4) an account detail report for account Stmi01-00050.

#### ***Postcard Receipt***

M.P.E.P. §503 states:

A post card receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO.

Petitioner has provided a postcard receipt without a USPTO date stamp. Since the copy of the postcard receipt does not include a USPTO date stamp, then the copy of the postcard does not serve to establish *prima facie* evidence of receipt of the USPTO of all the items listed thereon.

#### ***Certificate of Mailing***

37 CFR 1.8(b) sets forth in relevant part that "[in] the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but

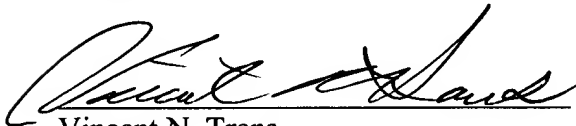
not received in the Patent and Trademark Office, and the application is held to be abandoned or the proceeding is dismissed, terminated, or decided without prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:

...  
(3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Commissioner to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending units report confirming transmission may be used to support this statement."

The present petition does not include a statement from the party who mailed the correspondence (i.e. the individual who signed the certificate of mailing of the correspondence in question as the mailer) which attests on a personal knowledge basis to the previous timely mailing. Accordingly, the Petition is **DISMISSED**.

Any request for reconsideration must be filed within two months of the mailing date of this decision.

Any inquiry concerning this decision should be directed to Vincent N. Trans whose telephone number is (703) 305-9750.



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